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'I' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee

Subject: Draft Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC **(First reading)**
- Agreement on the use of the written procedure for the adoption of the legislative act

1. On 16 December 2015, the Commission sent the above proposal¹, based on Article 77(2)(b) and (d) and Article 79(2)(c) TFEU, to the Council^{2 3 4}.
2. The European Economic and Social Committee delivered its opinion on 25 May 2016⁵.

¹ 15398/15.

² In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

³ In accordance with Council Decision 2000/365/EC, the United Kingdom is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

⁴ In accordance with Council Decision 2002/192/EC, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

⁵ Not yet published.

3. The European Parliament adopted its position at first reading on the Commission proposal on 6 July 2016. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council⁶.
4. Given the need to sign the act during the September plenary, it will only be possible to adopt the Regulation within this very short deadline via the written procedure, which would be launched on **Tuesday 13 September 2016 at 18.00** and would end on **Wednesday 14 September at 11.00**.
5. The Permanent Representatives Committee is asked to agree to the use of the written procedure for the adoption of the Regulation as set out in PE-CONS 29/16⁷.

⁶ 10809/16.

⁷ Not yet available.